

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WILLIE GOOD,  
Plaintiff,

v.

CIVIL ACTION NO. 19-11983-IT

BAY COVE HUMAN SERVICES, INC.,  
Defendant.

REPORT AND RECOMMENDATION ON  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#20).

KELLEY, U.S.M.J.

The complaint in this case was filed on September 18, 2019. (#1.) Defendant filed a motion to dismiss (#7) on November 19, 2019, to which plaintiff filed an opposition (#18) on December 2, 2019. The motion to dismiss remains pending.

On December 2nd plaintiff also filed a motion for summary judgment. (#20.) Defendant filed an opposition (#24) arguing that the summary judgment motion is premature. Defendant's point is well-taken.

The Court will be issuing a recommendation with respect to disposition on the motion to dismiss. Once that motion is resolved, assuming the case is not dismissed, the Court will hold a Rule 16 conference and set a schedule for discovery and the filing of summary judgment motions. At this juncture, the summary judgment motion should be denied without prejudice; plaintiff will be free to renew his motion at the appropriate time.

Recommendation.

For the reasons stated, I RECOMMEND that Plaintiff's Motion for Summary Judgement (#20) be DENIED WITHOUT PREJUDICE to renewal in accordance with the schedule to be set.

Review by the District Judge.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of service of this Report and Recommendation. The objections must specifically identify the portion of the recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b), Federal Rules Civil Procedure, shall preclude further appellate review. *See Keating v. Secretary of Health & Human Servs.*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

December 19, 2019

/s/ M. Page Kelley  
M. Page Kelley  
United States Magistrate Judge